

Senate File 2179

SENATE FILE _____
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3015)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to ethics laws and the Iowa ethics and campaign
2 disclosure board.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5214SV 80
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1 1 Section 1. Section 13.2, Code 2003, is amended by adding
1 2 the following new unnumbered paragraph after subsection 14:
1 3 NEW UNNUMBERED PARAGRAPH. Executing the duties of this
1 4 section shall not be deemed a violation of section 68B.6.
1 5 Sec. 2. Section 13B.4, Code Supplement 2003, is amended by
1 6 adding the following new subsection:
1 7 NEW SUBSECTION. 9. Executing the duties of this section
1 8 shall not be deemed a violation of section 68B.6.
1 9 Sec. 3. Section 22.7, subsection 29, Code Supplement 2003,
1 10 is amended to read as follows:
1 11 29. Records and information obtained or held by
1 12 independent special counsel during the course of an
1 13 investigation conducted pursuant to section ~~68B.34~~ 68B.31A.
1 14 Information that is disclosed to a legislative ethics
1 15 committee subsequent to a determination of probable cause by
1 16 independent special counsel and made pursuant to section
1 17 68B.31 is not a confidential record unless otherwise provided
1 18 by law.
1 19 Sec. 4. Section 68B.2, subsection 23, Code Supplement
1 20 2003, is amended to read as follows:
1 21 23. "Regulatory agency" means the department of
1 22 agriculture and land stewardship, department of workforce
1 23 development, department of commerce, Iowa department of public
1 24 health, department of public safety, department of education,
1 25 state board of regents, department of human services,
1 26 department of revenue, department of inspections and appeals,
1 27 department of administrative services, public employment
1 28 relations board, state department of transportation, civil
1 29 rights commission, department of public defense, Iowa ethics
1 30 and campaign disclosure board, and department of natural
1 31 resources.
1 32 Sec. 5. Section 68B.4, unnumbered paragraph 2, Code
1 33 Supplement 2003, is amended to read as follows:
1 34 ~~The department of administrative services board shall adopt~~
1 35 ~~rules specifying the method by which employees may obtain~~
2 1 ~~agency consent under this section. Each regulatory agency~~
2 2 ~~shall adopt rules specifying the method by which officials may~~
2 3 ~~obtain agency consent under this section. A regulatory agency~~
2 4 ~~granting consent under this section shall file a copy of the~~
2 5 ~~consent with the board within twenty days of the consent being~~
2 6 ~~granted.~~
2 7 Sec. 6. Section 68B.4B, unnumbered paragraph 1, Code 2003,
2 8 is amended to read as follows:
2 9 A permanent full-time member of the office of the governor
2 10 shall not sell, either directly or indirectly, any goods or
2 11 services to individuals, associations, or corporations which
2 12 employ persons who are registered lobbyists before the general
2 13 assembly or the executive branch, except when the member of
2 14 the office of the governor has met all of the following
2 15 conditions:
2 16 Sec. 7. Section 68B.4B, subsection 1, Code 2003, is
2 17 amended to read as follows:
2 18 1. The consent of the person or persons responsible for
2 19 hiring or approving the hiring of the member of the office of
2 20 the governor is obtained. A copy of the consent shall be
2 21 filed with the board within twenty days of the consent being

2 22 granted.

2 23 Sec. 8. Section 68B.6, subsection 1, Code 2003, is amended
2 24 to read as follows:

~~2 25 1. All statewide elected officials, the executive or
2 26 administrative head or heads of an agency of state government,
2 27 the deputy executive or administrative head or heads of an
2 28 agency of state government, the heads of the major subunits of
2 29 departments or independent state agencies whose positions
2 30 involve a substantial exercise of administrative discretion or
2 31 the expenditure of public funds as defined under rules of the
2 32 board, in consultation with the department or agency, under
2 33 chapter 17A, state employees, or Officials, except for members
2 34 of boards or commissions as defined under section 7E.4, state
2 35 employees, and legislative employees shall not receive,~~

3 1 directly or indirectly, or enter into any express or implied
3 2 agreement for, any compensation, in whatever form, for the
3 3 appearance or rendition of services by that person or another
3 4 against the interest of the state in relation to any case,
3 5 proceeding, application, or other matter before any state
3 6 agency, any court of the state of Iowa, any federal court, or
3 7 any federal bureau, agency, commission or department.

3 8 Sec. 9. NEW SECTION. 68B.31A INVESTIGATION BY
3 9 INDEPENDENT SPECIAL COUNSEL == PROBABLE CAUSE.

3 10 The purpose of an investigation by the independent special
3 11 counsel is to determine whether there is probable cause to
3 12 proceed with an adjudicatory hearing on the matter. In
3 13 conducting investigations and holding hearings, the
3 14 independent special counsel may require by subpoena the
3 15 attendance and testimony of witnesses and may subpoena books,
3 16 papers, records, and any other real evidence relating to the
3 17 matter before the independent special counsel. The
3 18 independent special counsel shall have the additional
3 19 authority provided in section 17A.13. If the independent
3 20 special counsel determines at any stage in the proceedings
3 21 that take place prior to hearing that the complaint is without
3 22 merit, the independent special counsel shall report that
3 23 determination to the appropriate ethics committee and the
3 24 complaint shall be dismissed and the complainant and the party
3 25 charged shall be notified. If, after investigation, the
3 26 independent special counsel determines evidence exists which,
3 27 if proven, would support a finding of a violation of this
3 28 chapter, a finding of probable cause shall be made and
3 29 reported to the ethics committee, and a hearing shall be
3 30 ordered by the ethics committee as provided in section 68B.31.
3 31 Independent special counsel investigations are not meetings of
3 32 a governmental body within the meaning of chapter 21, and
3 33 records and information obtained by independent special
3 34 counsel during investigations are confidential until disclosed
3 35 to a legislative ethics committee under section 68B.31.

4 1 Sec. 10. Section 68B.32A, subsection 11, Code Supplement
4 2 2003, is amended to read as follows:

~~4 3 11. Establish a procedure for requesting and issuing
4 4 formal and informal board advisory opinions to local officials
4 5 and employees and to persons subject to the authority of the
4 6 board under this chapter or chapter 68A. Local officials and
4 7 local employees may also seek an advisory opinion concerning
4 8 the application of the applicable provisions of this chapter.
4 9 Advice contained in formal board advisory opinions shall, if
4 10 followed, constitute a defense to a complaint filed with the
4 11 board alleging a violation of this chapter, chapter 68A, or
4 12 rules of the board that is based on the same facts and
4 13 circumstances.~~

4 14 Sec. 11. Section 68B.35, subsection 2, paragraph e, Code
4 15 Supplement 2003, is amended to read as follows:

4 16 e. Members of the banking board, the ethics and campaign
4 17 disclosure board, the credit union review board, the economic
4 18 development board, the employment appeal board, the
4 19 environmental protection commission, the health facilities
4 20 council, the Iowa finance authority, the Iowa public
4 21 employees' retirement system investment board, the board of
4 22 the Iowa lottery authority, the natural resource commission,
4 23 the board of parole, the petroleum underground storage tank
4 24 fund board, the public employment relations board, the state
4 25 racing and gaming commission, the state board of regents, the
4 26 tax review board, the transportation commission, the office of
4 27 consumer advocate, the utilities board, the Iowa
4 28 telecommunications and technology commission, and any full=
4 29 time members of other boards and commissions as defined under
4 30 section 7E.4 who receive an annual salary for their service on
4 31 the board or commission. The Iowa ethics and campaign
4 32 disclosure board shall conduct an annual review to determine

4 33 if members of any other board, commission, or authority should
4 34 file a statement and shall require the filing of a statement
4 35 pursuant to rules adopted pursuant to chapter 17A.

5 1 Sec. 12. Section 68B.35A, Code 2003, is amended to read as
5 2 follows:

5 3 68B.35A PERSONAL FINANCIAL DISCLOSURE STATEMENTS OF STATE
5 4 OFFICIALS AND EMPLOYEES == PUBLIC INTERNET ACCESS.

~~5 5 Personal financial disclosure statements filed with the
5 6 board and the chief clerk of the house, or the secretary of
5 7 the senate, or other appropriate person or body shall be
5 8 recorded on the legislative internet website or copies of the
5 9 personal financial disclosure statements shall be forwarded to
5 10 the secretary of state for the recording of the information
5 11 through electronic means on an internet website. The board
5 12 and the general assembly shall execute agreements with the
5 13 secretary of state which provide for public access to and
5 14 copying of the information, and include a site in the board
5 15 offices for public viewing and copying of information,
5 16 contained in personal financial disclosure statements filed
5 17 with the board and the chief clerk of the house, secretary of
5 18 the senate, or other appropriate person or body. The board
5 19 shall record personal financial disclosure statements filed
5 20 with the board on an internet website.~~

5 21 Sec. 13. Section 68B.38, Code Supplement 2003, is amended
5 22 to read as follows:

5 23 68B.38 LOBBYIST'S CLIENT REPORTING.

~~5 24 1. a. On or before July 31 of each year, a lobbyist's
5 25 client shall file with the general assembly or board a report
5 26 that contains information on all salaries, fees, and
5 27 retainers, and reimbursement of expenses paid or anticipated
5 28 to be paid by the lobbyist's client to the lobbyist for
5 29 lobbying purposes during the preceding twelve calendar months,
5 30 concluding on June 30 of each year.~~

~~5 31 b. 2. Reports by a lobbyist's clients shall be filed with
5 32 the same entity with which the lobbyist filed the lobbyist's
5 33 registration.~~

~~5 34 2. a. The report shall include a cumulative total of all
5 35 salaries, fees, retainers, and reimbursements of expenses paid
6 1 to the lobbyist for lobbying activities during the preceding
6 2 calendar year.~~

~~6 3 b. 3. The secretary of the senate, chief clerk of the
6 4 house, and the board shall develop forms to implement this
6 5 section.~~

6 6 Sec. 14. Section 68B.34, Code 2003, is repealed.

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